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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

March 17, 2008

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

Via Fax with Permission
Hon. William H. Pauley, III
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

Re: Hill v Ercole
07CV7704 (WHP)
Pro Se

Dear Judge Pauley:

This letter is written respectfully on behalf of defendant, Green Haven Superintendent Robert Ercole, to advise the Court that as of this date, our office has not received plaintiff's opposition to defendant's motion to dismiss the complaint. Defendant's motion was filed and served on February 15th in accordance with your Honor's Scheduling Order (PACER docket #4). The Scheduling Order further stated that plaintiff's opposition was to be served and filed by March 7th. Defendant's reply was to be served and filed by today, March 17th.

In light of the absence of opposition by plaintiff, defendant respectfully requests that the motion be deemed submitted and granted as unopposed.

Respectfully submitted,

Donald Nowve
Assistant Attorney General
(212) 416-8227

Application granted. Defendant's motion to dismiss is granted (docket #10). The Clerk of Court is directed to mark this case closed.

SO ORDERED:

WILLIAM H. PAULEY, U.S.D.J.
3/26/2008

c: Millard Hill
Plaintiff pro se
97A5108
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582